

From: WEB-CAND/CAND/09/USCOURTS  
To: Robert E. Rutkowski <r\_e\_rutkowski@att.net>  
Date: 06/27/2013 02:39 PM  
Subject: Re: Settlement Over Facebook's Use of Members' Images in Ads Should Not Be Approved

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Case 3:11-cv-01726-RS Document 355 Filed 06/27/13 Page 1 of 2  
OH-1726 RS

We have forwarded your email to the Clerk of Judge Seeborg.

"Robert E. Rutkowski" Judge Richard Seeborg United States Distri...

06/27/2013 12:19:10 PM

From: "Robert E. Rutkowski" <r\_e\_rutkowski@att.net>  
To: <Web-CAND@cand.uscourts.gov>  
Date: 06/27/2013 12:19 PM  
Subject: Settlement Over Facebook's Use of Members' Images in Ads Should Not Be Approved

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Judge Richard Seeborg  
United States District Court, Northern California  
450 Golden Gate Ave.  
San Francisco, CA 94102  
E-mail: [Web-CAND@cand.uscourts.gov](mailto:Web-CAND@cand.uscourts.gov)

Re: **Settlement Over Facebook's Use of Members' Images in Ads Should Not Be Approved** / Proposed Class-Action  
*Settlement Violates Laws in Seven States That Require Parental Consent for Use of a Child's Likeness*  
Dear Judge Seeborg:

Public Citizen will argue that a proposed class-action settlement with Facebook over ads featuring members' images without their consent should be rejected because it violates laws in seven states that prohibit the use of a child's likeness without parental consent. The states are California, Florida, Tennessee, Virginia, Wisconsin, New York and Oklahoma.

In addition, Public Citizen will tell the court that Facebook's plan to drop the name of its ad program ("sponsored stories") and fold it into other ad programs would make a poor settlement even worse, because the settlement requires reforms only to the "sponsored stories" program, not to any similar program to which Facebook gives a different name.

The lawsuit over Facebook's "sponsored stories" ad program was filed in March 2011, and the parties' lawyers proposed a settlement earlier this year. Under the ad program, when a Facebook member clicks a button to indicate he or she "likes" a company that advertises on Facebook, Facebook creates an ad that displays the Facebook member's name and image in a manner that suggests the person endorses the product. Facebook does not seek the consent of members to use their images for advertising – or parental consent when the users are children. The proposed settlement would not require Facebook to stop using minors' likenesses without parental consent. The settlement would require Facebook to implement certain other limited policy changes but permit Facebook to abandon those changes after two years.

For more information about what's wrong with the Facebook settlement, visit

**FILED**  
JUN 27 2013  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

<http://www.citizen.org/pressroom/pressroomredirect.cfm?ID=3879>.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,  
Robert E. Rutkowski

cc: House Minority Leadership

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